

Federal Appeal Court  
9th Circuit Clerk Office

333 Las Vegas Blvd S.

LAS VEGAS N.V. 89101

CASE # 208-CV-00288-PMP-GWF

Judge Jay S. Bybee

FILED RECEIVED  
ENTERED SERVED ON  
CLERK OF COURTS OF RECORD

2008 SEP 11 P 1:21

U.S. DISTRICT COURT  
DISTRICT OF NEVADA

BY \_\_\_\_\_ DEPUTY

The Plaintiff in this Complaint Appeal the decision by Judge Foley. 8-5-08 there was no standing for that decision. The defendant defaulted 6-2-08 admitting the reduction was incorrect. The clerk office took no action nor did Judge Foley. Now Judge Philip P.R.O. supports that decision. The Assistant Attorney General. Negative Response is the reason for the none action by the court. This Complaint was uncontested

by the defendant or S.S.A. A motion for default was 7-8-08 will send document. The Plaintiff is eligible for full benefits of \$886<sup>00</sup> 3 years of back pay. This is a United States District Court Federal Law. Notice will show the Plaintiff Human Civil and Constitutional Right were violated. Plaintiff ask the court full relief. The defendant acted as part of a conspiracy. There was no legal reason to reduce. Denying Federal Rules of Civil Procedure. The court wouldn't let the process work. S.S.A. didn't answer the complaint. Race Discrimination and Civil Rights Violation.

9-9-08

(2)

Federal Appellate Court 9th Circuit  
Case # 08-CV-00288-PMP-BWF

Judge JAY S. Bybee

Violation by federal officers acting in their duties.  
OR federal employee in individual acts of RACE  
DISCRIMINATION. Document will show these facts.  
Court decision with NO standing. The court grants  
Relief in (1983) action when it's a denial of federal  
Constitutional Rights by a person acting under color  
of STATE LAW. SSI is a federal funded program  
And these were not honorable decision.

I hereby certify that a copy of the foregoing  
document was mailed to SSA SUITE 150  
1550 Buffalo Dr Las Vegas NV, 89119

9-9-08

Johnny Lee Winkler  
5111 "30 ST #50  
LAS VEGAS N.V.  
89101

**Orders on Motions****2:08-cv-00288-PMP-GWF Wicks v. Social Security Administration****United States District Court****District of Nevada****Notice of Electronic Filing**

The following transaction was entered on 8/5/2008 at 11:32 AM PDT and filed on 8/5/2008

**Case Name:** Wicks v. Social Security Administration

**Case Number:** 2:08-cv-288

**Filer:**

**Document Number:** 11

**Docket Text:**

**ORDER Denying [8] Motion for Entry of Clerks Default. Clerk to forward blank USM 285 forms to plaintiff. Defendant has 60 days to respond to complaint. Clerk to send copy of Order [2] to Plaintiff. Signed by Magistrate Judge George W Foley, Jr on 8/5/08. (Copies have been distributed pursuant to the NEF - AXM)sent**

**2:08-cv-288 Notice has been electronically mailed to:**

Carlos A Gonzalez Carlos.Gonzalez27@usdoj.gov, Darlene.Ruckard@usdoj.gov,  
Eunice.Jones@usdoj.gov, Kim.Bush@usdoj.gov, Leann.Stevens@usdoj.gov, Mary.Booker@usdoj.gov

**2:08-cv-288 Notice has been delivered by other means to:**

Johnny Lee Wicks  
571 N. 30th Street  
#50  
Las Vegas, Nv 89101

The following document(s) are associated with this transaction:

**Document description:Main Document**

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1101333072 [Date=8/5/2008] [FileNumber=3928609-0]  
[3e1af2f9e7b23ac64b30db7182693f414a2a08ba741b0a34f4f1e9e3c6208cf76b0b  
99e18ac7bf9474f3aeb7fbfc16e6da0248044dc73ea6b096865a6c5ecc6d]]

PROOF OF SERVICE

I, CARLOS A. GONZALEZ, AUSA, certify that I caused the following individuals to be served on this date by the below identified method of service:

Federal Express

Johnny Lee Wicks  
571 30<sup>th</sup> Street #50  
Las Vegas, NV 89101

DATED this 30th day of July, 2008.

/s/ Carlos A. Gonzalez  
CARLOS A. GONZALEZ  
Assistant United States Attorney

1 The file discloses that no summons had been issued to the  
2 United States Attorneys office nor the US Attorney Generals  
3 Office.

4 There is no evidence in the file to establish that returns  
5 of service had been received for service of summons and complaint  
6 on any defendant.

7 Undersigned government counsel contacted the appropriate  
8 offices to verify service on all defendants and received a  
9 negative response. No service has been effected on defendants.

10 Pursuant to Rule 12(b)(5) the Court lacks jurisdiction over  
11 the instant civil action due to insufficient service of process.

12  
13 DATED this 30th day of July, 2008.

14 Respectfully submitted,

15 GREGORY A. BROWER  
16 United States Attorney

17 /s/ Carlos A. Gonzalez  
18 Carlos A. Gonzalez  
19 Assistant United States Attorney  
20  
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22  
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25  
26

Case # 208-CV-00288-PMP-GWF

**United States District Court**  
**District of Nevada (Las Vegas)**  
**CIVIL DOCKET FOR CASE #: 2:08-cv-00288-PMP-GWF**  
**Internal Use Only**

Wicks v. Social Security Administration  
Assigned to: Judge Philip M. Pro  
Referred to: Magistrate Judge George W Foley, Jr  
Cause: 42:206 Social Security Benefits

Date Filed: 04/02/2008  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Johnny Lee Wicks**  
Regional Commissioner

represented by **Johnny Lee Wicks**  
571 N. 30th Street  
#50  
Las Vegas, Nv 89101  
909-709-7862  
PRO SE

V.

**Defendant**

**Social Security Administration**

Date Filed	#	Docket Text
03/07/2008		Case assigned to Judge Philip M. Pro and Magistrate Judge George W Foley, Jr. (JAG) (Entered: 03/07/2008)
03/07/2008	<u>1</u>	MOTION/APPLICATION for Leave to Proceed in forma pauperis by Plaintiff Johnny Lee Wicks. Motion ripe 3/7/2008. (Attachments: # <u>1</u> Complaint)(ASB) (Entered: 03/10/2008)
04/01/2008	<u>3</u>	COMPLAINT against Social Security Administration filed by Johnny Lee Wicks.(ASB) (Entered: 04/02/2008)
04/02/2008	<u>2</u>	ORDER granting <u>1</u> Motion/Application for Leave to Proceed in forma pauperis. Copy of Summons, Complaint, & this Order mailed to Commissioner of the Social Security Administration via Certified Mail. Tracking Number: 7006 2760 0002 0194 0558. Copy of Summons, Complaint, & this Order mailed to Attorney General of the United States via Certified Mail. Tracking Number: 7005 1820 0006 5506 6090. Clerk shall issue summons. Defendants have 60 days from the date of service to answer or respond to the Complaint. Clerk shall file the complaint. Signed by Magistrate Judge George W Foley, Jr

*Proof of service*

*PROCKOK SERVICE*

		On 4/1/08. (Copies have been distributed pursuant to the NEF - ASB) Added Attorney General Tracking Number on 4/2/2008. (ASB) (Entered: 04/02/2008)
<u>04/02/2008</u>	<u>4</u>	SUMMONS Issued as to Social Security Administration, U.S. Attorney and U.S. Attorney General. (ASB) (Entered: 04/02/2008)
<u>04/08/2008</u>	<u>5</u>	NOTE: Certified Mail Receipt to Social Security Administration, #70062760000201940558 (ES) (Entered: 04/08/2008)
<u>04/08/2008</u>	<u>6</u>	NOTE: Certified Mail Receipt to Attorney General of the United States #70051820000655066090 (ES) (Entered: 04/08/2008)
<u>04/11/2008</u>	<u>7</u>	Mail Returned as Undeliverable re <u>2</u> Order on Motion/Application to Proceed in forma pauperis,, addressed to Johnny Lee Wicks. (no current address, did not forward.) (OXC) (Entered: 04/14/2008)

(Case # 508-CV-00288-PMP-GWF

Default

**Information About Your Back Payments**

- We looked at the money amounts we paid you and the money amounts we should have paid you for each month listed below in determining your back payment of \$127.40. The following chart shows the incorrect amounts paid and the correct amounts for those months. We added all of the incorrect money amounts. Then we added all of the correct money amounts we should pay. We subtracted the total incorrect money amount from the total correct money amount to get the total back payment.

Month	Amount Paid	Correct Amount
May 2008	\$64.30	\$128.00
June 2008	64.30	128.00
Total	\$128.60	\$256.00

- We are sending you a Supplemental Security Income check for \$127.40 in June 2008. We will not count the part of this money which was due for back payments as your resource for 9 months. If the money is not spent before April 1, 2009, we will count any money left over as part of your resources. But things bought with this money may count as resources the month after they are bought. Your Social Security office can tell you which things count as resources. You cannot get SSI if the resources we count have a value of more than \$2,000.

**Our Decision On Your Waiver Request**

We previously notified you about a \$317.00 overpayment and you requested that we not require repayment of this amount. We considered the information you gave us and have determined that you will not have to pay this money back.

**You Can Review The Information in Your Case**

The decisions in this letter are based on the law. You have a right to review and get copies of the information in our records that we used to make the decisions explained in this letter. You also have a right to review and copy the laws, regulations and policy statements used in deciding your case. To do so, please contact us. Our telephone number and address are shown under the heading "If You Have Any Questions."

**Things To Remember**

This decision refers only to your claim for Supplemental Security Income payments.



428-84-2574

08/06/2008

Page 3 of 13

Month	Amount Paid	Correct Amount
February 2008	\$128.00	\$445.00
March 2008	128.00	445.00
April 2008	128.00	445.00
May 2008	128.00	445.00
June 2008	128.00	445.00
July 2008	128.00	445.00
August 2008	128.00	445.00
Total	\$896.00	\$3,115.00

- We are sending you a Supplemental Security Income check for \$2,219.00 in August 2008. We will not count the part of this money which was due for back payments as your resource for 9 months. If the money is not spent before June 1, 2009, we will count any money left over as part of your resources. But things bought with this money may count as resources the month after they are bought. Your Social Security office can tell you which things count as resources. You cannot get SSI if the resources we count have a value of more than \$2,000.

### Information About Medicaid

An agency of your State will advise you about the Medicaid program. If you have any questions about your eligibility for Medicaid or need immediate medical assistance, you should get in touch with the county welfare department.

### You Can Review The Information in Your Case

The decisions in this letter are based on the law. You have a right to review and get copies of the information in our records that we used to make the decisions explained in this letter. You also have a right to review and copy the laws, regulations and policy statements used in deciding your case. To do so, please contact us. Our telephone number and address are shown under the heading "If You Have Any Questions."

### Things To Remember

- This decision refers only to your claim for Supplemental Security Income payments.
- This determination replaces all previous determinations for the above periods.

### If You Disagree With The Decision

If you disagree with the decision, you have the right to appeal. We will review your case and consider any new facts you have.

- You have 60 days to ask for an appeal.

# Social Security Administration Supplemental Security Income

## Notice of Change in Payment

1250 S BUFFALO DR  
SUITE 150  
LAS VEGAS NV 89117

Date: August 6, 2008  
Claim Number: 428-84-2574 DI

000034697 02 SP 0 590 0730.M02.133  
946 08S1915B88895

JOHNNY LEE WICKS  
570 30TH ST  
APT 50  
LAS VEGAS NV 89101

Type of Payment:  
Individual-Disabled

We are writing to tell you about changes in your Supplemental Security Income (SSI) payments. The following chart shows the SSI money due you for the months we changed. As you can see from the chart, we are changing your payments for both past and future months. The rest of this letter will tell you more about this change.

We explain how we figured the monthly payment amounts shown below on the last pages of this letter. The explanation shows how your income, other than any SSI payments, affects your SSI payment. It also shows how we decided how much of your income affects your payment amount. We include explanations only for months where payment amounts change.

### Your Payments Will Be Changed As Follows:

From	Through	Amount Due Each Month
January 1, 2008	Continuing	\$445.00 This includes \$317.00 from the State of California.

### Why Your Payments Changed

You are due State money as a resident of the State of California beginning January 2008. In figuring the amount of your check, we have included the State money due you.

See Next Page

SSA-18151

USE 208-CV-00288-AMP-GWF

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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 \* \* \*

9 JOHNNY LEE WICKS,  
10 Plaintiff,

2:08-CV-00288-PMP-GWF

11 v.

12 SOCIAL SECURITY  
13 ADMINISTRATION,  
14 Defendant.

ORDER

15 **IT IS ORDERED** that Plaintiff Johnny Lee Wicks' Motion for Instant Review  
16 (Doc. #12), filed on August 12, 2008, and Plaintiff Wicks' Motion for Injunction (Doc.  
17 #13) filed August 12, 2008, are hereby DENIED.

18 **IT IS FURTHER ORDERED** that Plaintiff Wicks shall forthwith comply with  
19 the provisions of the Order (Doc. #11) entered by the Honorable Magistrate Judge George  
20 W. Foley, on August 5, 2008.

21  
22 DATED: September 3, 2008.

23  
24   
25 PHILIP M. PRO  
26 United States District Judge

## Orders on Motions

2:08-cv-00288-PMP-GWF Wicks v. Social Security Administration

**United States District Court**

**District of Nevada**

### Notice of Electronic Filing

The following transaction was entered on 9/4/2008 at 10:47 AM PDT and filed on 9/3/2008

**Case Name:** Wicks v. Social Security Administration

**Case Number:** 2:08-cv-288

**Filer:**

**Document Number:** 15

**Docket Text:**

**ORDER Denying [12] Motion for District Judge to Reconsider Order. Denying [13] Motion for Preliminary Injunction. Signed by Judge Philip M. Pro on 9/3/08. (Copies have been distributed pursuant to the NEF - AXM)**

**2:08-cv-288 Notice has been electronically mailed to:**

Carlos A Gonzalez Carlos.Gonzalez2@usdoj.gov, Darlene.Ruckard@usdoj.gov,  
Eunice.Jones@usdoj.gov, Kim.Bush@usdoj.gov, Leann.Stevens@usdoj.gov, Mary.Booker@usdoj.gov,  
Terri.Jamison@usdoj.gov

**2:08-cv-288 Notice has been delivered by other means to:**

Johnny Lee Wicks  
571 N. 30th Street  
#50  
Las Vegas, Nv 89101

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1101333072 [Date=9/4/2008] [FileNumber=3959812-0]  
[cfafb784e4d8fd462beeac87300eb0be3b85f760db0e6f4c9d9927881d1896c0c732  
be092e3f09e8123a70c4bbf09e7b8e7ce7f7f58a7236d8da8a95f5af5eb4]]

# Social Security Administration Supplemental Security Income

## Important Information

1250 S BUFFALO DR  
SUITE 150  
LAS VEGAS NV 89117

Date: August 7, 2008  
Claim Number: 428-84-2574 DI

000034672 02 SP 0.590 0731,M02,133  
946 08S1915B88895

JOHNNY LEE WICKS  
570 30TH ST  
APT 50  
LAS VEGAS NV 89101

Type of Payment:  
Individual--Disabled

We are writing to tell you about changes in your Supplemental Security Income (SSI) payments. The following chart shows the SSI money due you for the months we changed. As you can see from the chart, we are changing your payments for both past and future months. The rest of this letter will tell you more about this change.

We explain how we figured the monthly payment amounts shown below on the last pages of this letter. The explanation shows how your income, other than any SSI payments, affects your SSI payment. It also shows how we decided how much of your income affects your payment amount. We include explanations only for months where payment amounts change.

### Your Payments Will Be Changed As Follows:

From	Through	Amount Due Each Month
January 1, 2008	Continuing	\$128.00

### Why Your Payments Changed

✓ You moved out of the State of California. Therefore, beginning January 2008, you are no longer eligible for payment from that State. You are now due money from the United States Government only.

### Information About Your SSI Payments

Your regular monthly check of \$128.00 will be sent to your bank or other financial institution about the first day of September 2008.

See Next Page

SSA-L8166

*They can't do this*



*Case # 108- CV-00288-PMP-GWF*

(3)

United STATE District Court  
333 LAS VEGAS Blvd S.  
LAS VEGAS NEVADA 89101  
Case # 08-CV-00288-PMP-GWF  
Judge Philip M. Leo

Motion for All Relief in The Complaint  
Fair Administrative of Justice

The Defendant or SSA, didn't answer the Complaint  
UNITS STATE DISTRICT COURT COVER LETTER STATES,  
if the defendant doesn't answer the plaintiff will  
be granted all the relief in the Complaint.

There was know legal reason to reduce benefits that's  
why it was uncontested by SSA the Plaintiff is eligible  
for full benefits of \$886<sup>00</sup> a month for three years, those  
benefits for disability have been reduce by half  
STATE REPRESENTATIVE PLACED THIS REDUCTION ON THE  
COMPUTER ITS. GONE FROM ONE AGENCIES TO ANOTHER

This misconduct by staff and RACE DISCRIMINATION,  
WITH RESPECT TO THE COURT, THE PLAINTIFF WOULD LIKE A  
COPY OF THE COURT REVIEW OF THIS COMPLAINT

I hereby certify that a copy of the foregoing document  
was mailed to SSA SUITE 150 1250 BURNING DE  
LAS VEGAS NV 89117

8-25-08

#7006-2150-0004-3820-0721

1 the General Counsel, Social Security Administration, Room 611, Altmeyer Building, 6401 Security  
2 Boulevard, Baltimore, MD 21235 and (2) the Attorney General of the United States, Department of  
3 Justice, 950 Pennsylvania Ave. NW, Washington DC 20530.

4 **IT IS FURTHER ORDERED** that the Clerk of the Court shall issue summons to the United  
5 States Attorney for the District of Nevada, and deliver the summons and Complaint to the U.S. Marshal  
6 for service.

7 **IT IS FURTHER ORDERED** that Defendants shall have sixty (60) days from the date of  
8 service to file their answer or responsive pleading to Plaintiff's Complaint in this case .

9 **IT IS FURTHER ORDERED** that henceforth, Plaintiff shall serve upon Defendant, or their  
10 attorney if they have retained one, a copy of every pleading, motion, or other document submitted for  
11 consideration by the court. Plaintiff shall include with the original paper submitted for filing a  
12 certificate stating the date that a true and correct copy of the document was mailed to Defendant or their  
13 counsel. The court may disregard any paper received by a district judge, magistrate judge, or the Clerk  
14 which fails to include a certificate of service.

15 DATED this 1st day of April, 2008.

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18 GEORGE FOLEY, JR.  
19 UNITED STATES MAGISTRATE JUDGE  
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